DJW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

DANIEL R. CALDWELL ET AL.

Serial No. 10/706,762 (TI-36721)

Filed November 10, 2003

For: CHEMICAL MECHANICAL POLISHING SLURRY
PUMP MONITORING SYSTEM AND METHOD

Art Unit 3723

Examiner Dung v. Nguyen

Customer No. 23494

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached document is being deposited with the United States Postal Service with sufficient postage for First Class Mail in an envelope addressed to Director of the United States Patent and Trademark Office, P.O. Box 1450,, Alexandria, VA 22313-1450 or is being facsimile transmitted on the date indicated below:

3-31-06

Jay M. Cantor, Reg. No. 19,906

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO DUPLICATE EXAMINER'S ANSWER

The Examiner's Answer dated March 24, 2006 is not understood.

An identical Examiner's Answer dated October 19, 2005 was received and, in response thereto, a Reply Brief was filed on November 30, 2005. A copy of the Reply Brief and the PTO stamped post card is attached hereto.

Respectfully submitted,

Jay M. Cantor
Reg. No. 19906
(301) 424-0355
(972) 917-5293

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REPLY BRIEF

In reply to the Examiner's Answer, it should initially be noted that the operating principle of the subject invention in quite the opposite of the operating principle of the cited reference to Melcer. Melcer expressly states in the paragraph beidging columns 3 and 4:

> "...the pump speed is corrected based on measured inlet pressure.....The pump speed is measured through the motor encoder, and the controller adjusts the control signals to maintain the calculated pump speed." (underline not in original)

On the other hand, in accordance with the subject invention, the pump speed is controlled based upon the measured pump rotational speed and other signals at a computer. In other words, the cited reference corrects pump speed based upon inlet pressure whereas the subject disclosure corrects pump speed based upon measured pump rotational speed and other factor, not of which includes inlet pressure. It follows that the claims herein define patentably over Melcer both under section 102, which is the basis of the sole basis of the rejection of claims 11 to16 and 18 as well as claims 17, 19 and 20, which were rejected under section 103.

With reference to claim 11, this claim requires, in addition to the controller, a computer coupled to the rotation sensing device and the controller, the computer operable to: receive the drive voltage from the controller; receive the voltage from the rotation sensing device and compare the voltage to a threshold voltage that is based, in part, on the drive voltage in order to monitor the peristaltic pump during use. No such structure is found in Melcer.

For the reasons stated above, reversal of the final rejection and allowance of the claims on appeal is requested that justice be done in the premises.

Respectfully submitted,

Jay M. Cantor
Reg. No. 19906
(301) 424-0355
(972) 917-5293

On the date stamped here, the following paper was received in the Patent and Trademark Office in the below listed application:

Reply Brief (3)

Inventor(s): Daniel R. Caldwell et al.
Serial No 10/706,762
Filed November 10, 2003
For: Chemical Mechanical Polishing Slurry...
Docket Number: TI-36721